

REMARKS/ARGUMENTS

Status of the Claims

Before this Amendment, claims 1 – 55 were present for examination. Claims 1, 15, 27, 43, and 49 are amended. No claims are canceled or added. Therefore, claims 1 – 55 remain present for examination, and claims 1, 15, 27, 43, and 49 are the independent claims.

The Office Action rejected claims 1 – 55 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Zimmers et al., U.S. Patent No. 6,816,878 (“Zimmers”), in view of the cited portions of Hunter et al., U.S. Patent No. 7,233,781 (“Hunter”), and in further view of the cited portions of Edson, U.S. Patent No. 6,526,581 (“Edson”). Applicants respectfully request reconsideration for the reasons that follow.

Claim Amendments

Claims 1, 15, 27, 43, and 49 are amended substantially to recite “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert.” These amendments are supported throughout the specification, for example, at ¶ [0114]. As such, no new matter is added by these amendments.

35 U.S.C. §103 Rejections

The Office Action rejected independent claims 1, 15, 27, 43, and 49 under 35 U.S.C. §103 as being unpatentable over Zimmers, in view of Hunter, and in further view of Edson. To establish a *prima facie* case of obviousness, the cited references, combined with the knowledge of those of ordinary skill in the art, must teach or suggest all the claim limitations. Applicants respectfully traverse this rejection at least because the combination of Zimmers, Hunter, Edson, and ordinary knowledge in the art fails to teach or suggest all the recitations of claims 1, 15, 27, 43, and 49.

Specifically, Zimmers, Hunter, and Edson cannot be relied upon to teach or suggest “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in amended claims 1, 15, 27, 43, and 49.

The Office Action apparently concedes that Zimmers fails to teach or suggest “wherein the alert gateway is in communication with two or more types of subscriber equipment” (a recitation included prior to the present amendment). Instead, the Office Action apparently relies on a combination of Zimmers with Hunter and Edson to account for the deficiencies of Zimmers alone. Particularly, the Office Action combines alleged teachings of “a gateway device for an in-home communications network” in Edson, “a system for communicating information to multiple individuals who are using a variety of electronic devices” in Zimmers, and “a need for a targeted dissemination of emergency information to differing geographic areas containing individuals with different personal needs or concerns” in Hunter. See Office Action, pp. 10 – 12.

In fact, while Edson does generally discuss a gateway that interfaces with multiple types of devices, there is no suggestion of receiving alerts. As such, even if the gateway is construed as the claimed “alert gateway,” it would be unreasonable to construe Edson as providing any teaching or suggestion of the gateway being “configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the amended independent claims.

Regarding Zimmers, as discussed above, previous Office Actions have repeatedly construed Zimmers as failing to suggest an alert gateway communicating with two or more types of subscriber equipment. In fact, the Office Action apparently concedes that Zimmers does not disclose an alert gateway located at the subscriber location at all. Rather, it seems that Zimmers only generally describes sending alerts in appropriate formats to generally available devices, like phones and facsimile machines. *See, e.g., Zimmers*, Col. 4, ll. 17 – 28. Thus, even if, *arguendo*,

each phone or fax machine were construed to be a gateway, Zimmers would still fail to teach or suggest “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the amended independent claims.

Regarding Hunter, throughout its disclosure, Hunter repeatedly states that emergency notifications are sent to a “device *corresponding to each user*.” Hunter, Abstract; Col. 3, ln. 2; Col. 4, ll. 2, 16, and 38 – 39; *et al.* (emphasis added). As such, even if Hunter suggests “a need for a targeted dissemination of emergency information to differing geographic areas containing individuals with different personal needs or concerns” (as the Office Action contends), it seems clearly to intend that each of those individuals is associated with a single device. Thus, there appears to be no teaching or suggestion in Hunter of a gateway “in communication with two or more types of subscriber equipment,” and certainly no teaching of the gateway being configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the amended independent claims.

Thus, even if we assume, *arguendo*, that all the teachings alleged by the Office Action are present in the cited references, the combination would still fail to teach or suggest the recitations of the amended independent claims. For example, even if there were some motivation or suggestion to send the alerts of Zimmers in multiple formats to the multiple individuals of Edson, and each of the individuals received the alerts with the gateway of Hunter, there would still be no teaching or suggestion of wherein the alert gateway is “configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in amended claims 1, 15, 27, 43, and 49.

For at least these reasons, Zimmers, Hunter, and Edson fail to teach or suggest the recitations of claims 1, 15, 27, 43, and 49. Further, the Office Action does not provide any teaching from other art or reason why this recitation would be within the knowledge of a person

of ordinary skill in the art. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to independent claims 1, 15, 27, 43, and 49. Moreover, claims 2 – 14, 16 – 26, 28 – 42, 44 – 48, and 50 – 55 are believed allowable at least for reasons of their dependence from allowable base claims. Applicants, therefore, respectfully request that the §103 rejections to all the claims be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Daniel J. Sherwinter
Reg. No. 61,751

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
D6S:s5k
62085289 v1